



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Haas) Art Unit: 2175
Serial No.: 09/658,303)) Examiner: Mahmoudi
Filed: September 8, 2000)) ARC9-2000-0125-US1
For: **SYSTEM AND METHOD FOR SCHEMA MAPPING**) March 24, 2004
) 750 B STREET, Suite 3120
) San Diego, CA 92101
)

RESPONSE TO OFFICE ACTION

RECEIVED

APR 06 2004

Technology Center 2100

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

In response to the Office Action dated March 4, 2004, the following remarks are submitted. The specification has been objected to under 37 C.F.R. §1.77(b) for having bold faced, underlined section headings.

Claim 9 has been rejected under 35 U.S.C. §102(e) as being anticipated by Ripley, and Claims 1-5, 7, 8, 10-14, and 16-22 have been rejected under 35 U.S.C. §103 as being unpatentable over Ripley in view of Morgenstern. Claims 6 and 15 have been indicated as being allowable.

The enclosed Declaration with accompanying documentary evidence of invention swears behind Ripley, overcoming the rejections.

With respect to the objection to the specification, the citation of Rule 77(b) is acknowledged. Applicant notes, however, that Rule 77(b) is drafted in advisory form, not mandatory form (using the word "should")

"should" instead of the word "shall") and, hence, compliance is suggested but not mandated. Applicant shall bear the rule in mind in future filings.

Apart from the evidence now of record swearing behind Ripley, Applicant makes the following observations. There is insufficient evidence of record that Ripley is prior art to the present claims. Ripley has a filing date after the present filing date. Ripley claims priority to an earlier-filed provisional application (which in any case has a filing date that has now been sworn behind), but since the earlier-filed provisional application has not been introduced into evidence nor has there been a sworn statement submitted that the examiner has verified that the relied-upon portions of Ripley in fact appear in the provisional application, there is no way to know on the record that the provisional application contains the portions of Ripley being used to reject the claims. Support in the provisional application for the relied-upon portions of Ripley cannot be assumed, since there is no legal requirement that a provisional application contain all of the subject matter of a later-filed utility application just because the utility application claims priority from the provisional application. In fact, many provisional applications are filed with little or no detailed description, which is later added when the utility application is filed. Under such circumstances, the utility application can properly claim priority to the provisional application under the law, with the issued claims of the utility application nevertheless potentially not being entitled to the filing date of the provisional application.

Regardless of its status as prior art, Ripley does not teach or suggest the present invention. Specifically, in the anticipation rejection of Claim 9 it is alleged that paragraphs 19, 24, 80, and 81 teach the claimed "generating a mapping based on at least a subset of value correspondences, with each value correspondence representing a function for *deriving* a value of a target attribute from one or more values of source attributes", and the same allegation is made in the obviousness rejections, relying on paragraph 16,

but this is not what Ripley teaches. All the relied-on sections of Ripley teach is using a *mapping* from one data structure to another, not that values in a target schema are *derived from* those of a source. If the examiner is reading the term "derive" to encompass a mapping under the guise of broad claim interpretation during prosecution, the examiner must bear in mind that MPEP §2111.01 permits not just any broad interpretation, but rather the broadest reasonable interpretation that one skilled in the art would give the term. This being the case, there is no evidence of record that the skilled artisan would regard mapping a database entry in one data structure directly into another data structure as taught by Ripley would be the same thing as "deriving" an entry in a target schema from a source schema (as by, e.g., the concatenation mentioned in the present specification on page 8, lines 1-5). Absent evidence that the skilled artisan regards "derive" and "map" to be synonyms, the rejection cannot stand, In re Dembiczak, 175 F.3D 994, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999) (the range of sources available does not diminish the requirement for **actual evidence**, and "broad conclusory statements..., standing alone, are not evidence").

Apart from the above, it alleged in the obviousness rejection that Ripley, paragraph 72 and claim 5, groups "value correspondences" into sets. All paragraph 72 mentions is casting things in XML, and all claim 5 states is that data types, not the claimed value correspondences, can be nested into groups. Thus, assuming *arguendo* that the equation of the user-defined mappings in paragraphs 19, 24, 80, and 81 to the claimed "value correspondences" is correct, it is not the relied-upon mappings that claim 5 groups, but rather the data types being mapped. Accordingly, the rejection is internally inconsistent and cannot stand.

Moreover, the rejection alleges that paragraphs 80 and 81 of Ripley teach selecting candidate sets from potential sets of value correspondences. Apart from the fact mentioned above that there is insufficient evidence of record that Ripley even teaches "value correspondences" as that term is understood in the art,

paragraphs 80 and 81 simply teach that a mapping is searched for and if one is not found, "error" is returned. No mention of "candidate" anything, much less that candidate sets are selected from potential sets of value correspondences.

It is alleged that paragraphs 73-76 teach grouping candidate sets into covers. Applicant has been unable to discern anything remotely approaching what is alleged in these paragraphs. Should the rejection be persisted in, more explication of what, exactly, the examiner is relying on is requested.

It is alleged that paragraphs 23 and 84 teach using a cover to represent a mapping. Applicant has been unable to discern anything remotely approaching what is alleged in these paragraphs. Should the rejection be persisted in, more explication of what, exactly, the examiner is relying on is requested.

Additionally, the proffered suggestion to combine the query of Morgenstern with Ripley (to identify data to be moved from the source to the target) comes unaccompanied by the requisite *prior art* citation of support, and thus fails the standard of properly establishing a *prima facie* case of obviousness, see MPEP §2143.01. Indeed, the proffered suggestion to combine ignores the fact that Ripley does not need a query to do what the examiner proposes, since Ripley already identifies data to be moved from the source to the target without the need for a query and since the examiner admits that Ripley nowhere teaches a query for any purpose. Accordingly, the skilled artisan looking at Ripley would find no motivation to use something that is admittedly not taught in Ripley to do something that Ripley already attends to by other means. For this additional reason, the rejection cannot stand.

The allegations regarding various dependent claim limitations likewise cannot stand, because the allegations all rely on reading things into Ripley that do not seem to be remotely mentioned in the relied-upon paragraphs.

CASE NO.: ARC9-2000-0125-US1
Serial No.: 09/658,303
March 24, 2004
Page 5

PATENT
Filed: September 8, 2000

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,


John L. Rogitz
Registration No. 33,549
Attorney of Record
750 B Street, Suite 3120
San Diego, CA 92101
Telephone: (619) 338-8075

JLR:jg